

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4

In re Application of:  
 Eduardo ANITUA Aldecoa  
 Serial No. 10/526,187  
 IA Filing Date: September 2, 2003  
 For: SET OF MOTORISED INSTRUMENTS WHICH ARE...



Atty's Dkt: ANITUA4

) Application Division  
 ) ATTN: PCT  
 ) Washington, D.C.  
 ) Confirmation No. 6873  
 ) Date: October 25, 2005

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated August 25, 2005. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
- [ ] An exact English language translation of the PCT application as originally filed.
  - [ ] Exact English language translation of the Annexes to the International Preliminary Examination Report containing substitute pages \_\_\_\_ of the specification and new claims \_\_\_\_ to be used for examination.
- [XX] A Preliminary Amendment [XX] Fees are reduced due to elimination of claim multiple dependencies.
- [ ] Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.
- [ ] An Information Disclosure Statement with 08A- 1449 and references.
- [XX] Additional fees as calculated below:

[XX] Search fee	\$400.00
[XX] Examination fee	\$200.00
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [XX] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$130.00
Number of each additional 50 pages or fraction thereof (round up to a whole number)	RATE
	X \$250.00
Number of Claims Previously Paid For	Number of Extra Claims
9 - 20 =	X \$ 50.00
1 - 3 =	X \$200.00
Multiple Dependent Claims (if applicable)	+ \$360.00
<b>TOTAL OF ABOVE CALCULATIONS</b>	
\$730.00	
Reduction of ½ for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.	
<b>SUBTOTAL</b>	
\$730.00	
Processing fee of \$130.00 for late furnishing of the English translation.	
<b>TOTAL NATIONAL FEE</b>	
\$730.00	

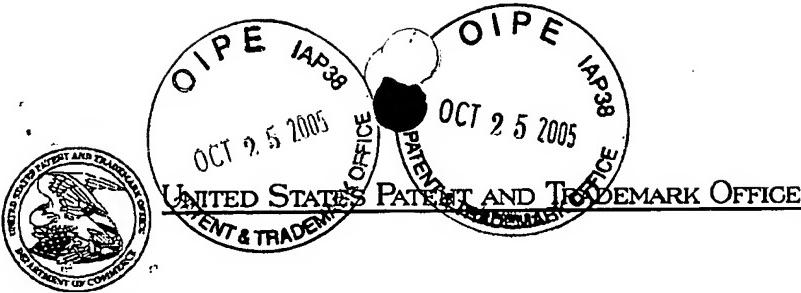
[XX] Total fees enclosed: \$ 730.00

- [XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$ 730.00 is enclosed to cover the above fees.
- [XX] Conditional Petition for Extension of Time:
  - If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK/P.L.L.C.  
 Attorneys for Applicant(s)

By:

  
 Sheridan Neimark  
 Registration No. 20,520



2pgs  
PCT/US  
Oct 25.

UNITED STATES DEPARTMENT OF COMMERCE  
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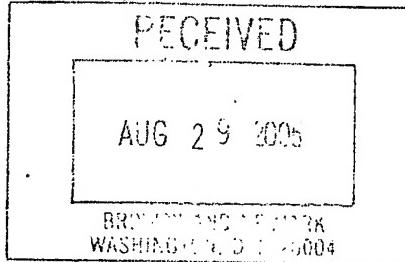
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,187	Eduardo Anitua Aldecoa	ANITUA4

INTERNATIONAL APPLICATION NO.

PCT/ES03/00443

I.A. FILING DATE	PRIORITY DATE
09/02/2003	09/02/2002

001444  
BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303



Date Mailed: 08/25/2005

CONFIRMATION NO. 6873  
371 FORMALITIES LETTER  
\*OC000000016840961\*  
\*OC000000016840961\*

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/02/2005
- English Translation of the IA filed on 03/02/2005
- Copy of the International Search Report filed on 03/02/2005
- Copy of IPE Report filed on 03/02/2005
- Copy of Annexes to the IPER filed on 03/02/2005
- English Translation of Annexes to the IPE filed on 03/02/2005
- Request for Immediate Examination filed on 03/02/2005
- U.S. Basic National Fees filed on 03/02/2005
- Priority Documents filed on 03/02/2005

MSP = 25 Oct 2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$360 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$1090** for a Large Entity:

- **\$130 Surcharge.**

- The application search fee has not been paid. Applicant must submit **\$400** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity
- Total additional claim fee(s) for this application is **\$ 360**
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

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Telephone: (703) 308-9140 EXT 207

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**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,187	PCT/ES03/00443	ANITUA4

FORM PCT/DO/EO/905 (371 Formalities Notice)